A NEW DIMENSION OF MODESTY AND CHASTITY OF WOMEN IN EMERGING INDIA AND ALLIED COUNTRIES

(A socio-legal study)

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A Synopsis

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INTRODUCTION

According to Hindu mythology, Manu and Shatarupa were the incarnation of God, For the Hindus Lord Brahma who created the world. It is the power of Lord Vishnu which preserved the world and human beings. A lotus flower grew in Lord Vishnu's navel with Lord Brahma sitting on it. Brahma separated flowers into three parts- the heaven, the earth, and the sky. Out of loneliness, Brahma split himself to create a male and female later on called Manu and Shatarupa. From this male and female (Manu and Shatarupa) all beings were created.

In Western mythology, Adam and Eve were the first men and women on the earth. Adam is told that he cannot eat freely of all the trees in the garden, except the tree of the knowledge of good and evil. Subsequently, Eve is created to be his companion. They were innocent and unembarrassed. Eve ate fruit from the forbidden tree and she gave some of the fruit to Adam. These acts not only gave them additional knowledge but gave them the ability to bring up negative and destructive concepts such as shame and evil.

Thomas Hobbs says "*All humans are naturally selfish and wicked and prone to fighting*" Men are selfish and aggressive. every man is the enemy of every other man. To avoid fear and danger of this terrible situation, men agreed to set up an authority. People gave up their rights to a strong leader who would give them law and order. This is called a social contract.

***John Locks says* – that humans can have a peaceful existence in the state of nature**. Men were bound by the law of nature and possessed certain natural rights but there was an absence of agency to interrupt and implement the law of nature. all individuals naturally look out for

themself but only to the limit that it does not harm any other individual. So men agreed to create a common authority.

Rousseau held that in the state of nature, humans were solitary but also healthy, happy, good, and free. The nascent societies were formed to live together as families and neighbours. That development, however, gives rise to negative and destructive passions such as jealousy and Pride and created social inequality and human. The introduction of private property marked a further step toward inequality. Since it made law and government necessary as means of protecting it. Civil society came into existence to provide peace for everyone to ensure the right to property for anyone. The collective group of all people by their consent enter into a civil society is called the sovereign. The general will a collective need of all to provide the common good of all.

Social Justice means justice within the society which includes equality, peace, safety, and freedom. Upholding Social Justice Means valuing the rights of all individuals. Unfortunately, the world is not quite there yet. Millions of girls and women around the world face injustice or are made victims of gender justice violence. Injustice towards women, it seems, has no boundaries. Justice remains out of reach for millions of women. Social injustice to women happens every day in every place in the world. Women were subject to discrimination and inequality. They most often face harassment, violence, outrage modesty, abuse, sexual exploitation, and unequal treatment at the workplace, at home, and in public places.

Injustice to women seems to have a common dictum in todays world and many women shy away from reporting the crimes due to social stigma and a weak justice system. More than 35% of women have experienced physical or sexual violence. Some of the numerous issues faced by girls or women Around the World.

When we talk about the historical aspect of modesty and the chastity of women, we were proud of nothing as regards the culture and civilization of Ancient India which is one of the most well-civilized countries in the world. In ancient Indian culture, women were treated as equal to men and there was no discrimination based on gender. Women were honored by society and society at that time considered women as JANANI Which means mother. Even in Hindu scripts, Women are considered as DEVI. They used to enjoy their full rights and were free to receive education. At that time the wives of the Rishi took part in spiritual activities with their husbands. They were also known as **Ardhangini** (better half). With the passage of time, their position might have changed, but in the Vedic era - they were complete symbols of protectors and caretakers of morality and ideals. Gargi, Maitri, Sita, Dropati, and Alapa turns out to be the most ideal role for women of this era. these women were competitive with men in many fields and also received and enjoyed their rights and equality. There were no restrictions on them and they possessed great wealth, property, and honor.

The status of women began to decline in the medieval period. During this period, there was a prevalence of The Muslim era. This period brought about changes in the lives of women to a major extent. They were regarded as inferior compared to their male counterpart.

The birth of the girl child was not appreciated during this period. The women were required to experience many problems. During this period, preference was given to the male members. It was believed that males are Assets of the family. Women were encouraged to remain in Parda to keep their faces covered. Due to the prevalence of the Parda system, they were not given the freedom to live their life to their wishes and desires. Their life was very hard and without love and respect. Among the Hindus, the custom of sati was common in which a widow had to immolate herself in her husband's funeral pyre. Throughout the

medieval period, women were viewed as second-class citizens. They were either held to be completely deceitful, sexual, innocent, or incompetent. There was no protection of modesty and chastity of women.

Need of research

The current way of globalization has greatly changed the lives of women worldwide. Across the country, the struggle to live life with dignity continues. Women are not safe in the modern society. Women have been victims of exploitation for a long time in different fields in their life both physically, socially, mentally, and sexually. There are several sexual as well as moral abuse that is very often highlighted by the media, and a lot of those remain unexplored. Such violence against women, sexual harassment, and outrage modesty are not recent origin. It's traced to found in the history of ancient India. They are victims of crimes specifically rape, stacking, the outrage of modesty and chastity, kidnapping, molestation, sexual harassment, eve-teasing, etc. Women are being trapped for sex, harassed in the workplace, and tortured in family and society. Despite constitutional and legal safeguards, women in India continue to suffer due to a lack of awareness of their rights, illiteracy, and oppressive practice and customs. Any kind of violence against women is clear violence against the fundamental rights of women under articles 14 and 15 as enshrined in the constitution of India.

Object of Research

1-To analyze the constitutional and statutory provisions relating to modesty and chastity of women.

2-To explain the present and past social status of women in India.

3-To find out women's awareness about their rights and dignity.

4-To adopt a comparative study in respect of modesty and chastity of various countries.

Review of Literature

Chastity, purity, modesty by Asia Poole – prezi

Chastity is a virtue that helps us to control our sexual desire and use them appropriately, according to our situation in life. To live a chaste life in marriage requires the couple to be sensitive to how they relate sexually and to remain faithful. Men and women who have taken religious vows must practice self-restraint by abstinence. Prudence and common sense help us protect our chastity.

Modesty and chastity in catholic teaching – Ron Conte

In today's sexualized world, We should encourage chastity and modesty as these ideals are integral part of healthy, flourishing society in which the dignity of every person is respected. Modesty means modest in behaviour and clothing . Like chastity, modesty is also considered in our culture as a restraint sudden urge shown by someone. Modesty in the area of sexuality includes dignity of woman which is acquired by her since the time of her birth. The word outrage implies physical act.

System of modesty and chastity in Islam- Maulivi mohammad zafeeruddin idara-

Modesty and chastity are the ornaments of the crown of true humanity. This is the pearl which uphold the dignity and prestige of humanity. An attitude of in-difference and ignorance of its value would degrade the foundation of human dignity and honour. It will help us to have self –respect and free us from a guilty conscience.

Changing Indian society and status of women-Dr shakil Anjum

Women are considered as holy symbols in our scriptures. Yet they are being discriminated against and mistreated unequally in society.

Krishna Deo Gaur – commentary on the Indian Penal Code- criminal law

There are several sexual as well as moral abuses which have remained unexplored. Such violence against women, sexual harassment, and outrage modesty are not a recent origin

Committee for Reform in criminal law Headed by Ranbir Singh

Criminal law in India is governed by the Indian penal code 1860, code of criminal procedure code 1973, and Indian evidence act 1872, etc. The criminal justice system is a replica of the British Colonial Jurisprudence which was designed with the purpose of ruling the nation and serving citizens.

Justice J S Verma committee

The commission headed by the former chief justice of India, Justice J S Verma has identified failure of governance as a primary cause of sexual crime.

Research Methodology

1-The research methodology includes gathering of data and information so that they may be analyzed and solutions to the problem stated may be made. This will contain collecting the data by the way of newspapers, articles, books, journals, etc.

2-The research methodology We will use applied research as this is a practical problem that is directly affecting the dignity of women and society, and so a practical approach will help us in establishing the exact and required data about the research.

3-Analyze the problem and identify different kinds of problems that are created by the outrage modesty of women and the consequence that victims are facing with these criminal acts.

4-Finding articles: this helps in finding the latest news on modesty and chastity and the experts' comments, journal is also a very important resource in the research.

5-Enquiring victims: this research approach will help me find so much information about offenses against women. Some victims are ready to tell what happened, which is a big advantage for the research, which gives a realistic approach to this.

HYPOTHESIS

1-To protect the modesty and chastity of women will be a safeguard for womanhood. 2-To prevent the crime against modesty and chastity as the beginning of crime, not to be tolerated.

3-To follow interviewing methods as an empirical study of victims.

4-Comparative study of various statutes and historical facts should be applied.

5-Analyze the data of present and past research.

6-Comparative study in respect of modesty and chastity of various allied Countries like England, America, Sri Lanka, and Arabic countries.

7-Doctrinal and non-doctrinal research methods should be applied.

TENTATIVE CHARACTERIZATION-

Chapter 1- Introduction: Meaning, Definition, Concept, Jurisdiction, and Scope.

Chapter 2- Modesty and Chastity under Indian Penal Code.

Chapter 3- Modesty and Chastity in Allied laws.

Chapter 4- Various procedural aspects.

Chapter 5- Social aspect of modesty and chastity.

Chapter 6- Modesty and Chastity in allied countries.

Chapter7- Feminist Perspective: Critical Approach

Chapter 8- Conclusion and suggestions.

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